

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:24-cv-00181-ART-CSD

ATLANTIC SPECIALTY INSURANCE
COMPANY,

Order

Plaintiff

Re: ECF No. 12

v.

JCR DEVELOPMENT, LLC, et al.,

Defendants

Plaintiff filed this diversity action against JCR Development, LLC, Jerry Jones, individually and as trustee of the Jones Family Trust, Paula Jones, individually and as trustee of the Jones Family Trust, and the Jones Family Trust, on April 17, 2024. Plaintiff asserts claims related to the breach of an indemnity agreement Defendants entered into with Plaintiff in exchange for Plaintiff's issuance of development and construction-related surety bonds. (ECF No. 1.)

Defendants were served on July 3, 2024. (ECF Nos. 8-11.) As such, Defendants' answer was due on or before July 24, 2024. Fed. R. Civ. P. 12(a)(1)(A)(i).

On August 7, 2024, Defendants filed a document asking the court to allow them a few more weeks to retain an attorney, stating that they have been financially destroyed by this job, lost their contractor's license, and are in the process of borrowing cash to hire an attorney for their defense. They ask to be given until the end of August to secure counsel. They also mention that an engineering group and another entity that they are going to have to take legal action against as they were the primary cause of "this." (ECF No. 12.)

1 Plaintiff filed a response. Plaintiff does not oppose the motion, but asserts this is not a
2 valid response to Plaintiff's complaint, and notes that Plaintiff already granted a prior request for
3 an extension. Plaintiff also argues the explanation that third parties are responsible for Plaintiff's
4 claims is irrelevant to this action. Plaintiff asks the court not allow Defendants to further delay
5 these proceedings and requests the court to permit Plaintiff to take the default of each of the
6 Defendants if they do not respond to the complaint by September 1, 2024. (ECF No. 13.)

7 The court interprets Defendants' filing as a request for an extension of time to file an
8 answer or otherwise respond to Plaintiff's complaint. The court will grant Defendants' request
9 (ECF No. 12) insofar as Defendants will have up to and including September 27, 2024, to file an
10 answer or otherwise respond to Plaintiff's complaint.

11 Defendants are advised that only a licensed attorney may represent a corporation or other
12 business entity, such as a limited liability company, in federal court. *Rowland v. Cal. Men's*
13 *Colony*, 506 U.S. 194, 202 (1993). A trust also is not permitted to represent itself in court, and
14 must be represented by an attorney. *See C.E. Pope Equity Trust v. United States*, 818 F.2d 696,
15 697-98 (9th Cir. 1987) (non-attorney may represent himself in a lawsuit, he does not have
16 authority to appear as an attorney for others; finding that person filing action on behalf of trust
17 and himself as trustee of the trust was not allowed to represent himself or the trust *pro se* in
18 federal court unless the trustee was the actual beneficial owner of the trust's claims); *see also*
19 *Maisano v. Welcher*, 940 F.2d 499, 501 (9th Cir. 1991); *Church of the New Testament v. United*
20 *States*, 783 F.2d 771, 773 (9th Cir. 1986); *U.S. v. Haines*, No. C13-5082 BHS, 2013 WL 5719455
21 (W.D. Wa. Aug. 5, 2013) ("A trustee cannot act in a pro se capacity in a judicial proceeding
22 involving the trust for which he serves as a fiduciary."); *Guerin v. Guerin*, 993 P.2d 1256, 1258,
23 116 Nev. 210, 214 (2000).

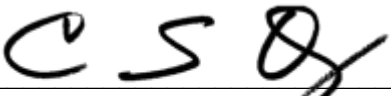
1 Defendants are further advised that if they fail to timely file an answer or otherwise
2 respond to the complaint, Plaintiff may seek the Clerk's entry of default against them and then
3 the entry of default judgment under Rule 55 of the Federal Rules of Civil Procedure.

4 **CONCLUSION**

5 Defendants' motion (ECF No. 12) is **GRANTED** insofar as Defendants have up to and
6 including **September 27, 2024**, to file an answer or otherwise respond to Plaintiff's complaint.

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8 **IT IS SO ORDERED.**

9 Dated: September 6, 2024

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11 Craig S. Denney
12 United States Magistrate Judge
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